

REMARKS

Claims 1-14 are pending and stand ready for further action on the merits.

Claim 1 has been amended to recite that the organometallic precursor has a transition metal "M" that includes the transition metals of claim 2 with the exception of cobalt. Furthermore, claim 1 has been amended for clarity by: i) replacing "substitution groups" with "at least one substitution group", ii) deleting the term "groups" throughout the claim, and iii) deleting the list of halogen atoms.

Claim 2 has been amended by deleting the specific radicals for the donor atom, the halide, the tetraalkylborate, and the tetrahaloborate.

Claim 3 has been amended by modifying the radicals to be recited in the singular form rather than the plural form.

Claim 5 has been amended in a similar manner as claim 1.

Claim 8 has been amended by deleting the subgenus of specific solvents.

Claims 8, 9 and 11 have been amended so as to be in proper multiple dependent form.

New claim 12 is similar to claim 1 as originally filed, except new claim 12 is limited to organometallic species wherein the transition metal is cobalt and bonded to ligand "L" which is a ligand comprising at least one donor atom selected from the group consisting of N, As, O, S, Se or Te or L' is a phosphite or phosphine oxide. Support for these specific ligands can be found in claim 2 and on page 10, lines 1-4 of the specification.

Support for new claims 13 and 14 can be found in claims 2 and 8, respectively.

No new matter has been added by way of the above-amendment.

Issues Under 35 U.S.C. § 102

Claims 1-3 are rejected under 35 U.S.C. § 102(b) as being anticipated by Vogel et al., (Angewandte Chemie International Edition in English, Vol. 30, No. 3, pp. 303-304 (1991)). Applicants respectfully traverse the rejection.

Vogel et al. disclose the compound $[(\text{tripod})\text{Co}(\eta^2\text{-N}_2\text{H}_4)](\text{BPh}_4)(\text{BF}_4)\cdot\text{THF}$ wherein tripod is $\text{CH}_3\text{C}(\text{CH}_2\text{PPh}_2)_3$ which the Examiner alleges is similar to the instantly claimed compounds of Formula 1 when M is Co, L' is tripod, L is N_2H_4 and X is BPh_4 and BF_4 .

In response to the Examiner, Applicants have amended claim 1 to recite that the organometallic precursor has a transition metal "M" that does not include cobalt. Specifically, Applicants have amended the groups of "M" to be at least one selected from the group consisting of Ag, Au, Cu, Pd, Pt, Os, Rh, Ni, Cd, Ir, and Fe.

In describing the requirements for rejection of a claim by anticipation, the Manual of Patent Examining Procedure (Section 2131) states:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference (ref. omitted). The identical invention must be shown in as complete detail as is contained in the... claim (ref. omitted). "

Accordingly, Applicants respectfully indicate, every element in a claim must be found in the reference in order that the reference anticipates the claim. Since the transition metal "M" of Vogel et al. is cobalt and claim 1 no longer recites that the transition metal can be cobalt, the Vogel et al. do not anticipate the claims, and as such, Applicants respectfully request that the rejection be withdrawn.

Furthermore, new claim 12 is patentable over Vogel et al. New claim 12 is drawn to organometallic species wherein the transition metal is cobalt and ligands "L" which are bonded to the metal comprising at least one donor atom selected from the group consisting of N, As, O, S, Se or Te or L' is a phosphite or phosphine oxide. These cobalt compounds of new claim 12 are distinct from Vogel et al. in that the ligands "L" do not include tripod, i.e., $\text{CH}_3\text{C}(\text{CH}_2\text{PPh}_2)_3$.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

By 

James T. Eller, Jr.

Registration No.: 39,538

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Rd

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorneys for Applicant